THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.13124 of 2006

Date : 6-11-2006

Between:

M/s.Thri Sandhya Enterprises
represented by its partner Nalla
Sathya Raju s/o.late Venkata Rao .. Petitioner

And

The Visakhapatnam Urban Development
Authority, represented by its Vice-Chairman
and another .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.13124 of 2006

ORDER:

Heard Sri Balaji, the Counsel representing the writ petitioner and Smt.Preeti Reddy, the Counsel representing the respondents.

The Writ Petition is filed praying for a writ, order or direction declaring the 2nd respondent proceedings Rc.No.3243/06/PLG/13, dated 9-6-2006 asking the petitioner to produce the 'No Objection Certificate' from APIIC as arbitrary, illegal, null and void and is against the principles of natural justice and to set aside the same as the same is contrary to the provisions of A.P. Urban Areas (Development) Act 1975 and further directing the respondents to approve the petitioner's plan lay out in pursuance of his application dated 24-5-2006 in accordance with Law and to pass such other suitable orders.

It is stated that the petitioner herein had purchased land admeasuring an extent of Acs.3-12 cents in S.No.48/P and 49 of Thadi village which is within the Visakhapatnam Urban agglomeration. It is submitted that the petitioner had developed the said land into plots and had also got approved by the local Gram Panchayat on 7-11-2001 vide resolution No.9. It is also stated that the petitioner is not aware that they have also to take approval of the respondent authorities and having come to know about the same the petitioner made an application on 24-5-2006 along with all the required documents and the requisite fees for regularising the plan. It is also stated that on submission of the application the 2nd respondent had issued proceedings Rc.No.3243/06/PLG/L3, dated 9-6-2006 asking the

petitioner to produce 'No Objection Certificate' from A.P.I.I.C. and to resubmit the proposal and questioning the said proceedings the present Writ Petition is filed. It is also stated that once the application is filed for approval of the plan lay out along with all the relevant documents the respondents-authority either has to approve the plan or reject the plan if the same does not contain the minimum requirements. Further it is stated that in the instant case the respondents-authorities asking the petitioner to get 'No Objection Certificate' from A.P.I.I.C. is absolutely unsustainable. Several other factual details had been narrated.

In the counter affidavit filed, the allegations were denied and specific stand was taken that the respondents-authorities has obligation to ascertain all the details touching the land such as land use, title, involvement of any Government land, any proposal of acquisition etc., and only then it can consider the approval of layout plan. Certain other factual details also had been narrated in the counter affidavit.

The 1st respondent had issued proceedings in Rc.No.3243/2006/PLG dated 29-8-2006 which reads as hereunder:

> Sub: PLG-VUDA-VSP-Regularization of layout in S.No.48/P.49,of Tadi(v) Parawada (M) proposals rejected – Reg.
>
> Ref: 1. Letter Dt.24-5-2006 of Thri Sandhya Enterprises
>
> 2.This office Letter even No.Dt.9-6-2006
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> ***
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> In continuation of this office letter 2nd cited, it is to inform you that you have not furnished the required following particulars for regularization of layout in S.No.48/P,49/P,Tadi(v) Parwada (M). Hence the above proposals for regularization of layout is hereby returned unapproved on the following grounds.
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> 1. The Gram Panchayat have no powers of approval of layout. Hence the layout has no validity and deemed as Unauthorised layout.

2. There is no Statutory open space of 10% of total extent of layout provided in the layout.
3. It requires change of land use from Agricultural use to residential use before approval of layout.
4. For non-submission of M.R.O. Certificate and Agricultural land ceiling certificate.
5. For non-payment of full amount of processing fees of Rs.25,253/- .
6. For non-submission of Attested copies of F.M.B. sketches, Topo plan, layout plan (Blue print), Contour plan, Drainage disposal plan.
7. Attested copies of sale deeds, 10(1) Adangal, pass books.
8. For non-submission of Encumbrance certificate.

In the light of the same the writ petitioner may have to either comply with the objections if any raised or he is at liberty to question the same in accordance with law.

With the above observation, the Writ Petition is disposed of.

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Justice P.S.Narayana

Date : 6-11-2006

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